

Notice of Allowability

Application No.

10/649,020

Examiner

Ha D. Ho

Applicant(s)

MCCALL, GAVIN FRASIER

Art Unit

3681

Nlu

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 8/27/03.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 27 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/27/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Sosenko on 9/14/04.
3. During the interview, Applicant agreed to amend the abstract to delete the implied phrase, and to amend claims 1 and 2 to correct the minor informalities. The application has been amended as follows:

Abstract

- In line 1 of the abstract, "present invention relates to the" have been deleted.

Claims

- Claim 1, line 4, "s" has been deleted.
 - Claim 1, line 7, "the" (both occurrences) have been changed to --a--.
 - Claim 1, line 19, --the-- has been inserted before "predetermined".
 - Claim 2, line 5, "the" has been changed to --a--.
 - Claim 2, line 7, "the" has been changed to --a--.
 - Claim 2, line 11, "said" has been changed to --a--.
 - Claim 2, line 14, "said" has been changed to --a--.
 - Claim 2, line 20, "a" (both occurrences) have been changed to --the--.
4. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for a control system/method for controlling

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the engine of a motor vehicle having an engine control unit, a driver accelerator control providing a driver demand signal to the engine control unit, and a driver braking control providing a braking demand signal as defined by the limitations of claims 1 and 2; wherein the engine control unit is arranged to calculate a first delay when a level of driver engine demand above a first predetermined level of driver engine demand, to calculate a second delay when a level of driver braking demand above a first predetermined level of driver braking demand, to determine a predetermined delay being the later of the first and second delays, and to over-ride the driver demand signal to reduce engine power after the predetermined delay.

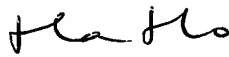
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Takizawa'286, Matsumoto et al.'432, Takahashi'061, and Inoue'371 which each shows an engine control system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is (703) 305-0738. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HDH
(703) 305-0738
September 15, 2004


HAHO
PRIMARY EXAMINER
Art Unit 3681 9/15/04